

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on January 30, 2003, and the references cited therewith.

Claims 1, 7, 16, 17, 18, 20, and 21 are amended, and no claims are cancelled or added; as a result, claims 1-21 are now pending in this application.

§112 Rejection of the Claims

Claims 7-8 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant respectfully points out that claim 7 recited "a" mobile monitoring agent and not "the" mobile monitoring agent, so antecedent basis was not required. Nevertheless, claim 7 has been amended consistent with the Examiner's recommendation to further define the mobile monitoring agent as a mobile software agent.

§102 Rejection of the Claims

Claim 1 was rejected under 35 USC § 102(e) as being anticipated by Adams (U.S. 5,963,944).

Adams describes a system and method in which autonomous agents move independently among computers to index data, replicate data, and manage the size and content of data files stored on networked systems. Although Adams teaches for example specifying a preferred state of data file sizes in systems, it does not teach specifying preferred hardware and software configuration but merely addresses distributed data management.

Amendment has been made to the claims to more clearly reflect that the present invention is directed to managing the hardware and software configurations of systems, and not to distributed data file management as is discussed in Adams.

Because the cited Adams references fail to address management of software or hardware configuration, applicant believes the claims as amended are distinct from the cited reference, and requests reexamination and allowance of these pending claims.

§103 Rejection of the Claims

Claims 1, 3-8, and 10-21 were rejected under 35 USC § 103(a) as being unpatentable over Walsh (U.S. 6,233,601) and Meandzija (U.S. 6,404,743).

Claim 2 was rejected under 35 USC § 103(a) as being unpatentable over Walsh and Meandzija, and further in view of Wookey (U.S. 6,085,244).

Claim 9 was rejected under 35 USC § 103(a) as being unpatentable over Walsh and Meandzija, and further in view of Johnson et al. (U.S. 5,987,135).

Walsh discusses a system in which an agent performs a predetermined function at nodes on an itinerary in a network. It does not monitor the software or hardware configuration of the nodes, or bring them into a desired hardware or software configuration upon determination that the nodes are not in the desired configuration.

Meandzija discusses an SNMP management system in which a stationary agent monitors a single network node. It does not teach that the agent specify a preferred state of the node, but teaches that the SNMP system provide a preferred state of the agent itself. It further fails to fails to define selected networked computers to be maintained in such a state – the cited elements 410, 415, and 420 address only storage of the state of a single specific SNMP node. It also fails to monitor for deviation from a preferred state as defined in the present invention, but simply monitors for certain SNMP events to occur in the node. Finally, it fails to make any changes to the state of nodes to bring them to a preferred state via an autonomous agent, but teaches that a human operator serving as a manager can use event reports received from agents to perform interpretation and control system resources in an SNMP station as the operator sees fit.

Because neither reference monitors the software or hardware configuration of network nodes, or bring them into a desired hardware or software configuration upon determination that the nodes are not in the desired configuration, or does so with an autonomous agent as is claimed, the pending claims here rejected are believed to be in condition for allowance.

Reexamination and allowance of these claims is therefore respectfully requested.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 349-9581) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

MURALI SUNDAR

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

(612) 349-9581

Date

Apr 30 '03

By



John M. Dahl

Reg. No. 44,639

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: .S. Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30th day of April, 2003.

Anne M. Richards

Name

Signature

